

Remarks/Arguments

Claims 1-44 are and will continue to be pending in this application upon entry of this response. Claims 1, 5-7, 9-11, 15-24 and 27-38 and 41-44 have been amended herein. Fees for an RCE and a four (4) month extension of time are included herewith.

The Examiner has continued to reject **claims 1-11, 13, 16, 17, 19, 22, 31-33 and 35 under 35 U.S.C. § 103(a)** as being obvious in view of “Gianakouros” in combination with “Gladstone.” When establishing the obviousness of a claim, the Examiner must consider *all* of the claim recitations in view of the prior art. M.P.E.P. § 2143.03. With respect to independent claims 1, 7, 11 and 31 there are a number of deficiencies in the Examiner’s reliance on Gianakouros. Gianakouros provides a system to bring block trading customers together. The system of Gianakouros is simply a matching service. Prices in Gianakouros are determined by negotiation between the parties.

Independent claims 1, 7, 11 and 31, as amended, all recite the provision of, or determining of, an *automated, two-sided, customized* quote, quotes or quotation for a *specific trade*, produced and delivered using a quote server, code, or means that include a quote server. The Examiner looks to Gianakouros, paragraphs [0024]-[0027] for teaching related to this recitation. This portion of Gianakouros discusses facilitating *negotiations between parties* to obtain a price for a possible trade, teaching that is directly opposite of what Applicants claim. The Examiner has further cited paragraphs [0035] and [0036] of Gianakopoulos, which refers only to price limits.

The Examiner has stated that Gianakopoulos “implies that the transaction would involve the delivering of a quote” However, even assuming *arguendo* that this statement is true, such a quote is not an *automated, two-sided, customized* quote for a *specific trade*. The quotes in Gianakopoulos are not established by an algorithm in a quote server. The quotes in Gianakopoulos are starting points for uncertain negotiations between parties. Applicants’ invention, as claimed, produces, using a machine, a two-sided quote, which is a quote for a specific trade between established parties at a specific price. Support for these recitations can be found in the specification in paragraphs [0008], [0009] and [0019].

The Examiner’s reliance on Gladstone is also misplaced. The Examiner suggests that paragraphs [0008]-[0009] of Gladstone somehow teach automating equity trades “which includes

formulating an automated customized quote.” These paragraphs of Gladstone do not discuss quotes or even mention the word “quote.” The rest of Gladstone suggests trigger criteria. To the extent these trigger criteria may be based on prices, the criteria are based on market prices, which are decidedly not customized.

Dependent claims 2-6, 8-10, 13, 16, 17, 19, 22, 32-33 and 35 cannot be obvious in view of Gianakouros in combination with Gladstone for at least the same reasons discussed above. However, with respect to dependent claims 3, 4 and 13, the claims recite that a historical characteristic of the security that the automated, two-sided, customized quote is based on can be the average spread, liquidity, and/or volatility. The Examiner looks to paragraph [0075] of Gianakouros for teaching related to this recitation, but no such teaching can be found there. These characteristics are not even mentioned.

The Examiner has rejected **claims 23-27, 29, 27-41 and 43 under 35 U.S.C. §103(a)** as being obvious in view of “Olavson” (of record) in combination with Gianakouros and Gladstone. Olavson is not related to quoting a *specific price for a security*, but rather forecasting *generic prices of a commodity*. The prices forecasted by Olavson are estimates and not quotes, they are decidedly not *customized*, not two-sided, not for a specific trade, and they do not rely on a profitability simulation. In fact the only mention of the terms “profit” or “profitability” in Olavson is related to assumptions relative to production costs and/or market share. Applicants also disagree that Balabon teaches a profitability constant (see below). However, even if Balabon did teach a profitability constant, a profitability *simulation* and a profitability *constant* are two different things by any definitions available.

With respect to claims 23 and 37, the Examiner relies again on Gladstone to teach automating equity trades “which includes formulating an automated customized quote.” Gladstone does not discuss or teach an automated, two-sided, customized quote for a specific trade as discussed previously. Independent claims 23 and 37 therefore cannot be obvious in view of Olavson, Gianakouros and Gladstone.

Claims 24-27, 29, 38-41 and 43 are dependent claims and are patentable over the combination of Olavson, Gianakouros and Gladstone for at least the same reasons discussed immediately above. However, claims 25, 26, 37, 39 and 40 are also patentable for the additional

reason that they recite that the customized quote is based on the average spread, liquidity, and/or volatility. This teaching is not present in Gianakouros, as previously discussed.

The Examiner has rejected claims **28, 30, 42 and 44 under 35 U.S.C. § 103(a)** as being obvious in view of Olavson in combination with Gianakouros and Gladstone, and further in combination with Balabon. These claims are all dependent from one of the claims discussed above. The combination of Olavson, Gianakouros and Gladstone as applied to the base claims has already been discussed above, and claims 28, 30, 42 and 44 are patentable over the combination of Olavson, Gianakouros, Gladstone and Balabon for at least the same reasons given above. However, claims 28, 30, 42 and 44, as amended, each recite the use of *profitability constant*. The Examiner relies on Balabon for teaching corresponding to this recitation, but merely points to a discussion of a desired profit margin, not a profitability constant. Claims 28, 30, 42 and 44 are patentable over the combination of Olavson, Gianakouros, Gladstone and Balabon for at least this additional reason.


The Examiner has rejected dependent claims **34 and 36 under 35 U.S.C. § 103(a)** as being obvious in view of Gianakouros in combination with Gladstone and Balabon as applied above with respect to recitations in the base claims. Claims 34 and 36 are patentable over the combination of Gianakouros, Gladstone and Balabon, for at least the same reasons discussed above with respect to the corresponding recitations.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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